



McGregor W. Scott

United States Attorney
Eastern District of California

Sacramento
501 I. Street, Ste 10-100
Sacramento CA 95814
Tel: (916) 554-2700
TTY: (916) 554-2855

NEWS RELEASE

Fresno
2500 Tulare Street, Ste 4401
Fresno, CA 93721
Tel: (559) 497-4000
TTY: (559) 497-4500

FOR IMMEDIATE RELEASE

May 25, 2006

Contact: Karen Escobar, 559-497-4000

www.usdoj.gov/usao/cae

JUVENILE DRUG DEALER TREATED AS AN ADULT IN FEDERAL COURT

FRESNO--United States Attorney McGregor W. Scott announced today that LUIS CASTENEDA ORTEGA, aka Hugo Ortega Sotelo, an alleged juvenile drug offender who is charged with supplying methamphetamine, cocaine base, and heroin to a drug organization based in Visalia, will be tried as an adult.

The case was investigated by the Drug Enforcement Administration (DEA), with the assistance of the Tulare County Sheriff's Office.

Two years ago, a federal grand jury returned an indictment charging ORTEGA and two co-defendants, DIMAS PENA OLIVARES, 42, and JOSE GABRIEL PEREZ, 35, both of Visalia, California, with conspiring to distribute and to possess with intent to distribute methamphetamine, cocaine base, and heroin from February 18, 2004, through June 23, 2004. This crime carries a mandatory minimum prison term of ten years and a maximum prison term of life, along with a maximum fine of \$4 million. All three were also charged with two counts of distributing methamphetamine, one count of distributing cocaine base, one count of possessing with intent to distribute cocaine base, and one count of distributing heroin. These offenses carry penalties ranging from a mandatory minimum prison term of five years and a maximum prison term of life, along with a maximum fine of \$4 million.

According to court documents, at the time of his arrest in July 2004, ORTEGA identified himself as LUIS CASTENEDA ORTEGA and said he was 24 years old. However, after one year, ORTEGA moved to dismiss the charges, claiming for the first time that he was a juvenile when he allegedly committed the offenses. In support of his claim, ORTEGA said his true name was Hugo Ortega Sotelo and produced a purported Mexican birth certificate for Hugo Ortega Sotelo which indicated that he was 17 years old at the time of the offense.

Assistant United States Attorney, Karen A. Escobar, who is prosecuting the case, urged United States District Judge Anthony W. Ishii to deny the motion to dismiss, citing insufficient reliable evidence to support Ortega's claim that he was a juvenile at the time of the offense. According to the Criminal Division of the United States Department of Justice, federal drug defendants, particularly non-citizens, have increasingly claimed juvenile status in an effort to avoid harsh federal drug penalties.

Recently, Judge Ishii ruled that ORTEGA had established his juvenile status and dismissed the charges against ORTEGA. In a rare move, the United States Attorney's Office for the Eastern District of California sought to have ORTEGA tried as an adult.

"Gangs and drug trafficking organizations often use younger members to commit serious drug and violent crimes to evade serious criminal penalties associated with adult criminal prosecution," said United States Attorney Scott, "The United States Attorney's Office is prepared to pursue juvenile offenders, such as ORTEGA, when appropriate." In the federal system, a juvenile convicted as an adult serves an adult sentence.

Finding a substantial federal interest in this case to warrant the exercise of federal jurisdiction due to ORTEGA's role as a source of supply of a significant quantity of methamphetamine, cocaine base, and heroin, Judge Ishii granted the government's request to have ORTEGA tried as an adult.

On Thursday, May 25, a new federal grand jury panel returned a new indictment charging ORTEGA with the same offenses contained in the original indictment. ORTEGA will be tried as an adult on July 25.

###